

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.22829 OF 2005

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Date: 24.10.2005

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Between:

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M.N. Babu

.... Petitioner

and

The APSRTC rep. By its Regional Manager, Krishna Region, Vijayawada & others.

..... Respondents.

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.22829 OF 2005

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ORDER:

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The petitioner is working as a conductor in A.P.S.R.TC. On 18.08.2005, he was on duty in a bus, which was hired for a marriage party. A check conducted on the bus, disclosed that there were seven passengers in excess of the permitted load. On the ground that the petitioner failed to collect the requisite charges of Rs.30/- from each of the excess seven passengers, disciplinary proceedings were initiated against him

and he was also placed under suspension through order, dated 27.08.2005. The petitioner challenges the same.

The learned counsel for the petitioner submits that the seven passengers, who were found in excess have boarded the bus, since the Car of the marriage party, in which they were traveling, failed half way through, and when the petitioner demanded the head of the party to pay the fare from the starting point, they were insisting on payment from the place of boarding and in the meanwhile, the check took place. He also referred to an order, dated 31.08.2005, passed by this Court in W.P.No. 19183 of 2005 in relation to the same issue.

The learned standing counsel for the respondents, on the other hand, submits that admittedly, the petitioner did not collect the fare either in its entirety or in part for the seven passengers found in excess of the limit and the dereliction of duty on his part would be established in the disciplinary proceedings. He contends that there does not exist any basis for interference with the suspension pending enquiry.

The allegation against the petitioner is that he failed to collect the fare at the rate of Rs.30/- from the seven passengers, who were found in excess of the permissible limits in a bus hired by a marriage party. He has already been issued a charge-sheet in respect of the same. The truth or otherwise of the allegation can be known only after the enquiry is concluded. However, it cannot be said that the suspension of the petitioner, pending such enquiry, is without any basis. The question as to whether the collection of the fare by the checking staff would relieve the petitioner of his obligation, needs to be considered in the disciplinary proceedings.

The order passed by this Court in W.P.No.19183 of 2005, which is relied upon by the learned counsel for the petitioner, was under totally different circumstances. That case related to the suspension of an Officer, who conducted check on the bus and the allegation against him was that he did not record the statements of the seven passengers, who were found without ticket. In a marriage party, no person can be treated as an authorized and another as unauthorized passenger. The instant situation is totally different. The case of the petitioner cannot be compared to the one in W.P.No.19183 of 2005. Hence, no exception can be taken to impugned order. Any further discussion is likely to have its impact on the disciplinary proceedings.

In that view of the matter, the writ petition is disposed of directing the first respondent to expedite the proceedings against the petitioner and conclude the same, within

two months from the date of receipt of a copy of this order.

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24.10.2005

kdl